

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

CATERPILLAR FINANCIAL SERVICES )  
CORPORATION, )  
Plaintiff, ) Case No. 3:22-cv-00271  
v. ) Judge William L. Campbell, Jr.  
PRISTINE CLEAN ENERGY, LLC and ) Magistrate Judge Jeffery S. Frensley  
KEM ABRAHAM, )  
Defendants.

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**ENTRY OF DEFAULT**

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Pending is Plaintiff's Motion for Clerk's Entry of Default against Defendants Pristine Clean Energy, LLC ("PCE") and Kem Abraham pursuant to Federal Rule of Civil Procedure 55(a). (Doc. No. 11). For the following reasons, the Plaintiff's Motion is **GRANTED**.

On April 15, 2022, Plaintiff filed its Complaint against Defendants. (Doc. No. 1). Summons were issued to Abraham and to PCE, in care of its registered agent for service of process, National Registered Agents, Inc. (Doc. No. 5). The Summons were returned executed on June 7, 2022. (Doc. Nos. 9 and 10). The Proof of Service declaration accompanying the returned Summons to PCE was executed by process server, Summer Lepper. (Doc. No. 9 at PageID # 92). Lepper declares that she personally delivered the summons to the registered agent's office on April 22, 2022. (*Id.*). Abraham was personally served with process on May 13, 2022, according to the Proof of Service declaration executed by process server, Eli Jernigan. (Doc. No. 10 at Page ID# 94). Plaintiff filed the pending Motion for Entry of Default on June 8, 2022. (Doc. No. 11).

Pursuant to Local Rule 55.01,

Motions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying, among other things, (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration.

L.R. 55.01. In support of its Motion, Plaintiff submits the Declaration of Jake Adams. (Doc. No. 11-1).

As reflected in the record and as confirmed by Jake Adams in his Declaration, PCE's registered agent was personally served with process on April 22, 2022, and Abraham was personally served on May 13, 2022. (Doc. No. 11-1 at PageID #98-99). To date, neither party has responded or otherwise defended this action. (*Id.* at PageID #99). Further, Adams declares that Abraham is not a minor, incompetent, or an active member of the military. (*Id.* at PageID #99 and 101).

Plaintiff has satisfied its obligations under Rule 55(a) and Local Rule 55.01. "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Accordingly, the Plaintiff's Motion for Clerk's Entry of Default against Pristine Clean Energy, LLC and Kem Abraham, (Doc. No. 11), is **GRANTED**.

s/ Lynda M. Hill  
Lynda Motes Hill  
Clerk of Court